Hi Jody,

If at all possible, please include attached in Committee member packets and on line..

Thank you,
Frank
SENATE BILL NO. 36

"An Act relating to the practice of optometry;"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

"Sec. 1. AS 08.72.050 is amended to read:

Sec. 08.72.050. Regulations. The board shall adopt regulations necessary for the proper performance of its duties.

(1) for the licensing of optometrists;

(2) for the prescription and use of pharmaceutical agents for the treatment of eye disease;

(3) prescribing requirements that a person licensed under this chapter must meet to demonstrate continued professional competency;

(4) describing the scope of practice for a licensee to perform ophthalmic surgery and noninvasive procedures.

"Sec. 2. AS 08.72.181(d) is amended to read:

(d) Before a license may be renewed, the licensee shall submit to the board evidence that during the preceding licensing period the licensee has completed eight hours of continuing education approved by the board concerning the proper use and prescription of pharmaceutical agents; and

completed seven hours of continuing education approved by the board concerning the injection of non-topical therapeutic pharmaceutical agents; and met other continuing education requirements as may be prescribed by regulations of the board to ensure the continued protection of the public.

"Sec. 3. AS 08.72.272(e) is repealed and reenacted to read:

(1) A licensee may prescribe and use a pharmaceutical agent, including a controlled substance, in the practice of optometry if the pharmaceutical agent is used in a manner consistent with standards adopted by the board in regulation; and

must include limitations on practice adopted under AS 08.72.278.

This provision is more expansive than SB 55
In conjunction with Sections 3, this provision reinforces Board powers to expand the scope of practice of optometry to include a broader range of controlled substances and injections that are specifically prohibited under existing law. In fact, SB 36 is even more expansive than SB 55 Board authority would now include regulation of intravitreal injections by optometrists which SB 55 specifically prohibited. This provision is more expansive than SB 55
08.72.050 (6) authorizes the Board to define "ophthalmic surgery" and to define non-invasive procedure." In conjunction with Section 4, this provision would give the Board sole and full authority to allow optometrists to perform surgery, whether they call these surgeries "ophthalmic surgery" or "noninvasive procedures." This provision is even more expansive than SB 55, which specifically prohibited a limited number of procedures, which it called "invasive surgery."

This Section is identical to SB 55
SB 36 contains no specific educational requirements related to performing surgery. This Provision is more expansive than SB 55
Existing law prohibits 1A, HIA and VIA controlled substances, except for an agent containing hyrocolone. Controlled substances are limited to a 4 day supply.
SB 36 contains no limitations on the prescription of controlled substances and no limitations on supply. Existing law requires that for the prescription of a pharmaceutical agent, including a controlled substance, there must be a physician-patient relationship as determined by the Board. SB 36 removes the requirement of a physician-patient relationship.

Existing law specifically prohibits Botox injections and injections into the globe of the eye. SB 36 would allow any injections into the globe of the eye and Botox injections. This provision is even more expansive than SB 55, which specifically prohibited intravitreal injections, SB 36 does not specifically prohibit any injections.

This Section is more expansive than SB 55. In conjunction with the provisions in Section 5, this provision reinforces Board powers to expand the scope of practice of optometry, including whatever it describes as a "noninvasive procedure." The Board by regulation would determine if the noninvasive procedure is within the scope of the licensee's education, training and experience. Apparently, the bill does not require this same regulatory threshold for "ophthalmic surgery." This suggests that the difference in the terms "noninvasive procedure" and "ophthalmic surgery" is nominal.

This provision is more expansive than SB 55. SB 36 would give sole and full authority to the optometry board to perform "ophthalmic surgery." Under 08.72.278(b), board would be empowered to define "ophthalmic surgery" but is also not required to adopt regulations to set a minimum standard to determine if a surgery is beyond the scope of the licensee's education, training and experience. In contrast, SB 55 prohibited "invasive surgery" but defined it in a way to specifically prohibit some surgeries but still
allowed optometrists to perform dozens of other surgeries - which are, in fact, invasive - using lasers, scalpels, needles, ultrasound, and other techniques on the eye and surrounding tissues.

Existing law specifically excludes lasers, xrays and surgery from the definition of optometry. SB 36 does not specifically exclude lasers, xrays and surgery from the definition of optometry. Existing law limits the definition of optometry to "examinations, diagnosis, and treatment of conditions of the eye". SB 36 expands the scope of practice of optometry to include testing and treatments of medical conditions underlying some eye diseases, such as diabetes and hypertension, as determined by the Board.